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HOUSTON, CARRIE

ROCHESTER CITY SCHOOL DISTRICT  
BOARD OF EDUCATION OF THE ROCHESTER CITY  
SCHOOL DISTRICT  
ANNA MURRAY-DOUGLASS ACADEMY NO. 12  
WHITE, VAN HENRI  
DEANE-WILLIAMS, BARBARA

Total Fees Paid: \$0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE  
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ADAM J BELLO

MONROE COUNTY CLERK



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONROE

CARRIE HOUSTON, as the mother and natural  
guardian of TREVYAN DEVON ROWE, deceased,

Plaintiff,

Index No.:

-against-

ROCHESTER CITY SCHOOL DISTRICT;  
BOARD OF EDUCATION OF THE ROCHESTER  
CITY SCHOOL DISTRICT;  
ANNA MURRAY-DOUGLASS ACADEMY NO.  
12 f/k/a JAMES P.B. DUFFY SCHOOL NO. 12;  
VAN HENRI WHITE;  
BARBARA DEANE-WILLIAMS;  
JENNIFER GKOURLIAS;  
BRIDGITTE GRIFFIN;  
FIRST STUDENT, INC.;  
CITY OF ROCHESTER;  
CITY OF ROCHESTER POLICE DEPARTMENT;  
CITY OF ROCHESTER FIRE DEPARTMENT;  
CITY OF ROCHESTER EMERGENCY  
COMMUNICATIONS DEPARTMENT - 911; and  
LOVELY ANN WARREN,

Defendants.

**VERIFIED COMPLAINT**

Plaintiff, Carrie Houston, by her attorneys Brown, LLC, as and for her Verified

Complaint against Defendants, alleges as follows:

**NATURE OF CLAIM**

1. Plaintiff Carrie Houston (“Plaintiff” or “Ms. Houston”), the mother and natural guardian of Decedent Trevyan Devon Rowe (the “Decedent” or “Trevyan”), brings this action seeking the recovery of damages and other applicable relief against Defendants for the loss of guidance, support, love, solace, affection, companionship, and household services of Decedent, caused by the negligence of Defendants.

2. Trevyan's tragic death was caused by Defendants' systemic failures and compounded by their lies and cover-up. On March 8, 2018, as many school kids do, Trevyan rode to school on a school bus, but due to multiple failures and lies by Defendants, he never came home.

3. Defendant Rochester City School District (along with the other Defendants) failed Trevyan and his family every step of the way: failing to properly classify him and his needs, failing to monitor him and the other children to make sure they safely arrived at school, failing to alert his mother, Ms. Houston, when he was absent, and then lying, falsifying records, and impeding investigation by the police, to name a few examples.

4. When Trevyan and his family needed the assistance of the Rochester City School District the most, they received that assistance the least. Instead they encountered indifference, resistance, calcification and a deliberate cover-up that led to Trevyan's death. Unless and until Defendants are clearly and unequivocally held accountable, their continuing failures put all of Rochester's school children at risk.

5. After the general public became aware that Trevyan was missing, hundreds of warm-hearted citizens voluntarily helped search for the child.

6. Three days later on March 11, 2018, the Decedent's body was recovered from the ice-cold Genesee River.

7. Defendant LOVELY ANN WARREN, Mayor of the City of Rochester, stated in response to the Decedent's death, "Adult failures led to a child's death ... 'Sorry,' in this case, is not enough." McDermott, Meaghan, et al., 2018, "Mayor Warren: 'Adult failures' led to teen's death; six 911 employees placed on leave," <https://www.democratandchronicle.com/story/news/2018/03/13/trevyan-rowe-teen-autism-rochester-school-district-911-dispatchers/421476002/> (last accessed May 28, 2019).

8. Even though Defendants have publicly apologized to Plaintiff Ms. Houston and her family and admitted their failures, privately they have subjected the Decedent's mother to multiple depositions and have refused to offer the family anything more than words.

9. Defendants must be held accountable for their admitted failures that led to the tragic death of Trevyan, not just for the sake of his soul and his family, but for the sake of the children who still walk the halls of the schools in Rochester. Until there is a radical shift in the way that those who watch our children exercise their responsibility, in the procedures Defendants use to deal with emergent situations, and indeed in the way that Defendants value human life, all schoolchildren in Rochester are at risk.

### **PARTIES**

10. Up to the time of his death, Decedent Trevyan Devon Rowe was a resident of the City of Rochester, State of New York.

11. Up to the time of his death, Decedent Trevyan Devon Rowe was enrolled in and attended Defendant ANNA MURRAY-DOUGLASS ACADEMY NO. 12 f/k/a JAMES P.B. DUFFY SCHOOL NO. 12 ("School No. 12").

12. Plaintiff Ms. Houston was the mother and natural guardian of Decedent.

13. At the time of Decedent's death, Ms. Houston was a resident of the City of Rochester, State of New York. Ms. Houston is presently a resident of the Town of Webster, Monroe County, State of New York.

14. Defendant ROCHESTER CITY SCHOOL DISTRICT ("RCSD" or "School District") was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York, with principal address at 131 W. Broad Street, Rochester, NY 14614.



15. Defendant BOARD OF EDUCATION OF THE ROCHESTER CITY SCHOOL DISTRICT ("Board of Education" or "BOE") was and still is the corporate governing body of Defendant RCSD, overseeing and managing the School District's daily operations, affairs and personnel, and developing and implementing policies and procedures controlling the District, with principal address at 131 W. Broad Street, Rochester, NY 14614.

16. Defendant School No. 12 was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York, with a principal address at 999 South Ave., Rochester, NY 14620.

17. Defendant RCSD owned, operated, controlled, managed and supervised Defendant School No. 12.

18. Defendant RCSD hired and trained the staff of Defendant School No. 12.

19. Defendant VAN HENRI WHITE was and still is the President of Defendant Board of Education.

20. Up to the end of 2018, Defendant BARBARA DEANE-WILLIAMS was the Superintendent of Defendant RCSD.

21. Up to the time of Decedent's death, Defendant JENNIFER GKOURLIAS was the Principal of Defendant School No. 12.

22. From approximately January of 2018, and up to the time of Decedent's death, Defendant BRIDGITTE GRIFFIN was the Interim Principal of Defendant School No. 12, while Defendant Gkourlias was on medical leave.

23. Defendant RCSD is vicariously responsible for the negligent acts of Defendants Board of Education, School No. 12, and all of their respective agents, servants and/or employees,

including but not limited to Defendants White, Deane-Williams, Gkourlias, and Griffin (collectively the “District”).

24. Defendant FIRST STUDENT, INC. (“First Student”) was and still is a private corporation duly organized and existing under and by virtue of the laws of the State of Delaware. First Student is one of the largest providers of school bus transportation services in the United States, headquartered at 600 Vine Street, Suite 1400, Cincinnati, OH 45202.

25. Defendant First Student was and still is a contractor of Defendant RCSD, providing school bus services transporting students between their homes and the schools with the District, including Defendant School No. 12.

26. Defendant CITY OF ROCHESTER was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York, with principal address at 30 Church St, Rochester, NY 14614.

27. Defendant CITY OF ROCHESTER POLICE DEPARTMENT (“Rochester PD”) was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

28. Defendant Rochester PD was and still is a department of Defendant City of Rochester.

29. Defendant City of Rochester owned, operated, controlled, managed and supervised Defendant Rochester PD.

30. Defendant City of Rochester hired and trained the staff of Defendant Rochester PD.

31. Defendant CITY OF ROCHESTER FIRE DEPARTMENT (“Rochester Fire”) was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

32. Defendant Rochester Fire was and still is a department of Defendant City of Rochester.

33. Defendant City of Rochester owned, operated, controlled, managed and supervised Defendant Rochester Fire.

34. Defendant City of Rochester hired and trained the staff of Defendant Rochester Fire.

35. Defendant CITY OF ROCHESTER EMERGENCY COMMUNICATIONS DEPARTMENT - 911 ("Rochester 911") was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

36. Defendant Rochester 911 was and still is a department of Defendant City of Rochester.

37. Defendant City of Rochester owned, operated, controlled, managed and supervised Defendant Rochester 911.

38. Defendant City of Rochester hired and trained the staff of Defendant Rochester 911.

39. Defendant LOVELY ANN WARREN was and still is the Mayor of Defendant City of Rochester.

40. Defendant Warren was and still is responsible for the administration of all City affairs, including enforcing laws and regulations, appointing department heads, and overseeing the operations of Rochester PD, Rochester Fire, and Rochester 911.

41. Defendant City of Rochester is vicariously responsible for the negligent acts of Defendants Rochester PD, Rochester Fire, Rochester 911, and all of their respective agents, servants and/or employees (collectively the "City").

42. Between the approximate dates of May 29 and June 1, 2018, and within ninety days after Decedent's death, Plaintiff duly served a verified written Notice of Claim containing the name and post office address of the claimant and her attorneys, the nature of the claim, the time, place and manner in which the claim arose and the damages claimed and/or the information prescribed by law, upon the following entities:

- a. Defendant RCSD;
- b. Defendant BOE;
- c. Defendant School No. 12;
- d. Defendant City of Rochester;
- e. Defendant Rochester PD;
- f. Defendant Rochester Fire;
- g. Defendant Rochester 911.

43. The City required Ms. Houston to sit for a 50-H hearing on September 27, 2018.

44. The School District required Ms. Houston to sit for a 50-H hearing on February 21, 2019.

45. More than thirty days have elapsed since the claims upon which this action is based were presented to the Defendants listed *supra*, and said Defendants have neglected and/or refused to make payment or adjustment thereof.

46. This action was commenced within the time allowed by the applicable laws of the State of New York.

**GENERAL ALLEGATIONS AGAINST THE DISTRICT AND FIRST STUDENT, INC.**

47. The District and its respective agents, servants and/or employees, including but not limited to Defendants White, Deane-Williams, Gkourlias, and Griffin, were careless, reckless and/or negligent under the circumstances:

- a. by failing to appreciate the nature of Decedent's disability;
- b. by failing to appreciate that Decedent had a tendency to wander/elope;
- c. by failing to execute or implement any safety planning for Decedent despite having notification of his tendency to wander/elope;
- d. by failing to adequately and properly supervise Decedent;
- e. by failing to implement a proper program designed to afford Decedent adequate and proper supervision while at school;

- f. by failing to adequately and properly execute the program in place that was to afford Decedent adequate and proper supervision while he was in school;
- g. by failing to monitor Decedent's whereabouts;
- h. by causing, permitting and/or allowing Decedent to leave the school grounds without proper supervision, or any supervision whatsoever;
- i. by causing, permitting and/or allowing Decedent to leave the school grounds and become lost and not found;
- j. by failing to timely appreciate that Decedent had left the school grounds and that he was not present in class;
- k. by failing to modify Decedent's Individualized Education Program in order to provide him with adequate and proper supervision;
- l. by failing to post adequate guards and monitors in and about the school, and in particular at the time of Decedent's arrival at the school via school bus;
- m. by failing to observe that Decedent had left the school grounds without authorization, consent or adequate and proper supervision;
- n. by negligently and mistakenly determining that Decedent had not ridden the school bus;
- o. by failing to promptly and timely notify Ms. Houston of Decedent's disappearance;
- p. by refusing to allow law enforcement personnel to access and review surveillance video in a timely manner;
- q. by failing to properly train their agents, servants and/or employees, as to the proper investigation and steps to be taken once a student leaves the school grounds without authorization, consent and/or adequate supervision;
- r. by failing to utilize due diligence and care; and
- s. by being otherwise negligent, careless and/or reckless under the circumstances and conditions then and there existing.

48. First Student and its respective agents, servants and/or employees, were careless, reckless and/or negligent under the circumstances:

- a. by failing to appreciate that Decedent had a tendency to wander/elope;
- b. by failing to have adequate and proper supervision of Decedent;
- c. by failing to monitor Decedent's whereabouts;

- d. by causing, permitting and/or allowing Decedent to leave the school grounds without proper supervision or any supervision whatsoever;
- e. by causing, permitting and/or allowing Decedent to leave the school grounds and become lost and not found;
- f. by failing to observe that Decedent had left the school grounds without authorization, consent or adequate and proper supervision;
- g. by failing to properly train its agents, servants and/or employees, as to the proper steps to be taken when a student leaves the school grounds without authorization, consent and/or adequate supervision;
- h. by failing to utilize due diligence and care; and
- i. by being otherwise negligent, careless and/or reckless under the circumstances and conditions then and there existing.

***Lack of Adequate Special Education and Mental Health Services***

49. Decedent Trevyan Devon Rowe was a lawful student of the District, attending Defendant School No. 12.

50. Up to the time of his death, Decedent was classified as Learning Disabled, as determined by his Committee on Special Education ("CSE").

51. The District failed to provide sufficient staff, failed to provide sufficient training to its staff, and failed to implement sufficient documentation practices in its special education department and programs, resulting in delays, disruptions and general dysfunction in the CSE process and services for its students, including Decedent.

52. Despite multiple notifications and indications of Decedent's mental health issues, including but not limited to (a) the May 2017 reevaluation of his disability classification, showing his anxiety and depression scores being in the "clinically significant" range, while his learning disability revealed scores in the average range with significant improvement on cognitive abilities, and (b) Decedent's elopement incident in October 2017, the District did not change Decedent's classification from Learning Disabled to Emotionally Disturbed.

53. Despite multiple notifications and indications of Decedent's mental health issues, the District failed to consider any health or safety precautions for Decedent, failed to request a CSE meeting to reassess Decedent, failed to modify Decedent's Individualized Education Program, and failed to consider a functional behavioral assessment and behavioral intervention plan for Decedent.

54. The District had a duty to ensure that Decedent would be assigned the correct/proper disability classification and receive adequate special education services consistent with that classification.

55. The District had a duty to conduct a functional behavioral assessment for students with wandering/elopement tendencies, and develop a behavioral intervention plan, to ensure that any such wandering or elopement behavior was addressed by proper supervision and such a plan.

56. Ms. Houston reasonably relied upon the District's performance of its duties, as described above, on behalf of her son.

57. The District failed to assign the correct disability classification to Decedent.

58. The District failed to conduct a functional behavioral assessment or develop a behavioral intervention plan for Decedent.

59. As a result, the District failed to provide adequate special education and counseling services to Decedent, contributing to Decedent's death.

60. The District and its agents, servants and/or employees, including Defendants White, Deane-Williams, Gkourlias, and Griffin, failed in their duties as civil servants, violated the New York education law and the New York State Education Department's field advisories, and failed Decedent and his family, causing Decedent's disappearance and death.

***Lack of School Safety and Supervision***

61. Defendant School No. 12 was chaotic, outdated, unhealthy and nonsupportive, particularly in its arrival and dismissal procedures concerning its students, resulting in an unsafe and chaotic school environment.

62. Defendant School No. 12 failed to provide sufficient staff, failed to provide sufficient training to its staff, and failed to implement sufficient documentation practices in maintaining safety, resulting in an unsafe and chaotic school environment.

63. Defendant School No. 12 lacked proper and sufficient safety planning for students in the special education program, including but not limited to Decedent.

64. There was no safety planning designed or implemented for Decedent.

65. On the morning of March 8, 2018, Decedent rode the school bus operated by Defendant First Student, the transport contractor for the District.

66. On the morning of March 8, 2018, Defendant School No. 12 failed to provide sufficient, properly trained staff to monitor and supervise the arrival of its students.

67. On the morning of March 8, 2018, “surveillance footage showing Trevyan’s departure from school that morning depict only a few staff members standing outside the building, and none are looking in the direction that Trevyan walked as he eloped from school grounds.” *Joint Report on the Investigation into the Death of Trevyan Rowe by New York State Attorney General & New York State Education Department* (“Joint Report”), attached hereto as **Exhibit 1**,<sup>1</sup> at 26.

68. On the morning of March 8, 2018, Defendant School No. 12 staff failed to monitor or supervise Decedent (and the other children) as they exited their school buses.

69. Trevyan’s bus driver did not notify Defendant School No. 12 that Decedent had eloped from school grounds after exiting the school bus. The District and individual Defendants White

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<sup>1</sup> The exhibits accompanying the Joint Report are omitted for this Exhibit.



and Deane-Williams had a duty to safely and properly operate the schools within the District, including Defendant School No. 12, and to provide proper, adequate protection and supervision to students lawfully attending the schools, and in particular, had a duty to Decedent, Trevyan Devon Rowe, to provide him with a safe place to attend school and to provide him with adequate supervision, monitoring and instruction.

70. Defendant First Student, as transport service contractor and provider for the District, had a duty to safely and properly operate its school buses and to provide adequate protection and supervision to students lawfully riding their buses, and in particular, had a duty to Decedent Trevyan Devon Rowe to provide him with adequate supervision, monitoring and instruction, so that he would arrive at and attend the school safely.

71. Defendant School No. 12 and individual Defendants Gkourlias and Griffin had a duty to safely and properly operate the school, and to provide adequate protection and supervision to students lawfully attending the school, and in particular, had a duty to Decedent Trevyan Devon Rowe to provide him with a safe place to attend school and to provide him with adequate supervision, monitoring and instruction.

72. Defendant School No. 12's building level safety plan "did not contain any specific provisions about wandering or elopement." **Exhibit 1**, at 28. "Nor was there any indication that the building level school safety plan was sought or reviewed to ascertain how to deal with the issue of a missing student, elopement or an implied or direct threat of suicide which such plan is required to address." *Id.*

73. On the morning of March 8, 2018, Defendant School No. 12 and Defendant First Student failed to properly and adequately monitor and supervise Decedent, contributing to his death.

74. On the morning of March 8, 2018, Defendant School No. 12 and Defendant First Student failed to protect Decedent's safety and soundness, contributing to his death.

75. The District and its agents, servants and/or employees, including Defendants First Student, White, Deane-Williams, Gkourlias, and Griffin, failed in their duty as civil servants, violated the New York education law and the New York State Education Department's field advisories, and failed Decedent and his family, causing Decedent's disappearance and death.

76. The Joint Report was released on March 12, 2019 by the Office of the Attorney General of New York, and in response to its release, New York State Education Commissioner MaryEllen Elia stated, "The investigation uncovered that Trevyan was failed at every level, from mental health and special education services to procedures to keep students safe at school. We must all learn from this horrific tragedy and recognize the gravity of our responsibility as educators to keep students safe...." O'Hare, JP, et al., 2019, "State Education Commissioner Elia and Attorney General James Release Joint Report on Findings of Civil Investigation into the Tragic Death of Trevyan Rowe," <http://www.nysed.gov/news/2019/state-education-commissioner-elia-and-attorney-general-james-release-joint-report-findings> (last accessed May 28, 2019).

77. In response to the release of Joint Report, Defendant Warren, Mayor of the City, acknowledged "The failures of adults at almost every turn led to Trevyan's death. The joint report should serve as a clarion call to the school district that it must act expeditiously to ensure all of our children receive the support that they need – especially our most vulnerable special education students." Jubenville, Tanner, 2019, "State report on Trevyan Rowe finds districtwide 'systemic failures,'" <https://13wham.com/news/local/state-report-on-trevyan-rowe-finds-districtwide-systemic-failures> (last accessed May 28, 2019).

*Inherently Flawed Attendance Policies*

78. The District never considered the taking and maintaining accurate students' attendance records as a priority, even though the school's knowledge of its students' whereabouts was essential to their safety and wellbeing. The District's policies and procedures on taking and maintaining attendance records were inherently flawed, overly permissive, lacking in certainty, confusing, inadequate, and self-contradictory.

79. The District was cited for the following three main failings in the Joint Report:

- a. "overly permissive procedures allowing school staff to make changes and/or submit attendance hours, days, and sometimes months after the class in question";
- b. "inadequate and untimely parental notification of unexcused absences"; and
- c. "an overall lack of oversight by school administrators to ensure the taking of timely and accurate attendance."

**Exhibit 1**, at 20.

80. The Joint Report opined that the most concerning aspect of the District's attendance policies and procedures was "the fact that no efforts appear to have been made to track attendance records over time in order to identify those teachers who are chronically late and/or inaccurate in their record-keeping." *Id.*, at 22.

81. New York State Education Law § 3211(1) requires that "[t]he teacher of every minor required ... to attend upon instruction, or any other school district employee ... shall keep an accurate record of the attendance and absence of such minor."

82. On the morning of March 8, 2018, in violation of New York State Education Law, Decedent's first period teacher falsely or negligently marked Decedent "present," even though Decedent had never entered into the class.

83. Decedent's first period teacher, who could not even properly mark whether a child was present or absent, is not the type of responsible guardian that should be teaching and supervising children.

84. As a result of the first period teacher's intentional or negligent act, no automatic call was made on that day to the phone number on file for Decedent's mother, Ms. Houston, to notify her that her son was not at the school.

85. At 9:02 a.m. that same morning, Decedent's second period teacher marked him as absent. However, no automatic call was made on that day to the phone number on file for Decedent's mother, Ms. Houston, to notify her that her son was not at the school.

86. On the afternoon of March 8, 2018, in violation of the New York State Education Law, two of Decedent's other teachers falsely or negligently marked Decedent "present" even though he had never appeared for those classes.

87. The fact that multiple teachers falsely marked a student present illustrates a systemic pattern of neglect of students and their education.

88. The teachers were indifferent to the student's attendance, and negligent in the simple duty of properly accounting for children under their care.

89. Multiple teachers of different classes all falsely marked Trevyan present when he was absent, illustrating a *de facto* policy of indifference to the students and their education and negligence in the supervision of children such as Trevyan.

90. Defendants RCSD, BOE, White, and Deane-Williams, jointly and severally had a duty to monitor, supervise and cause the schools within the District to take and maintain accurate attendance records for the purposes of protecting the students' soundness and wellbeing. In particular, these Defendants had this duty to Decedent Trevyan Devon Rowe.

91. Defendants School No. 12, Gkourlias, and Griffin, jointly and severally had a duty to monitor, supervise and cause the school to take and maintain accurate attendance records for the purposes of protecting the students' soundness and wellbeing. In particular, these Defendants had this duty to Decedent Trevyan Devon Rowe.

92. Ms. Houston reasonably relied upon the District's performance of the duties listed *supra*.

93. The District failed to perform those duties, causing Decedent's death.

94. The District and its agents, servants and/or employees, including Defendants White, Deane-Williams, Gkourlias, and Griffin, failed in their duty as civil servants, violated the New York education law and the New York State Education Department's field advisories, and failed Decedent and his family, causing Decedent's disappearance and death.

***Evasion of Responsibility, Lies, More Lies, and Cover-Up***

95. The District and its agents, servants and/or employees, including Defendants White, Deane-Williams, Gkourlias, and Griffin, had a duty to provide adequate supervision for Defendant School No. 12, and to investigate and respond to emergencies at the school.

96. The District and its agents, servants and/or employees, including Defendants White, Deane-Williams, Gkourlias, and Griffin, breached that duty, causing Decedent's death.

97. On March 8, 2018 at approximately 3:26 p.m. Ms. Houston came to the school to search for her missing son after he did not come home.

98. Compounding a mother's worst nightmare that her child was missing, the school lied to Ms. Houston, covered up Trevyan's disappearance, and even leveled allegations against Ms. Houston, falsely accusing her of not putting Trevyan on the school bus that morning. Even though one teacher had marked him present, and surveillance video showed him exiting the school bus.

99. While it is well known that every second counts when a child is missing, Defendant School No. 12 did not contact Defendant Rochester PD until approximately 5:15 p.m. – more than *seven hours* after Trevyan had eloped from school grounds.

100. When officers from Defendant Rochester PD came to the school after Decedent had finally been reported missing, Defendant School No. 12 refused to allow the officers to access the school's surveillance videos.

101. That is, during a critical time in which to locate a missing child, the RCSD directly impeded the ability of Rochester PD to perform its vital duties.

102. The Director of the District's Safety and Security Department was out of the office on March 8, 2018, without having alerted the school administrators beforehand to her absence.

103. The Director of the District's Safety and Security Department eventually sent out an email blast to District officials at approximately 8:20 p.m., but Decedent's disappearance was merely mentioned as the last of three noteworthy events that had happened within the District that day.

104. That is, the Director of the District's Safety and Security Department did not even properly prioritize the emergency of a missing child. Instead, she buried this high-priority information as the last item in a list of three things that happened that day.

105. The District did not deploy its Safety and Security Department's staff until the morning of March 9, 2018.

106. Defendant Deane-Williams acknowledged that on March 9, 2018, at least one School No. 12 teacher attempted to change Decedent's attendance record for March 8, 2019, retroactively to "absent."

107. This attempted falsification of records shows that the teacher recognized the negligence and consequences of having falsely marked Trevyan present.

108. The District and its agents, servants and/or employees, including Defendants White, Deane-Williams, Gkourlias, and Griffin, failed in their duty as civil servants, violated the New York education law and the New York State Education Department's field advisories, and failed Decedent and his family, causing Decedent's disappearance and death.

**GENERAL ALLEGATIONS AGAINST THE CITY**

109. The City and all of its respective departments, including but not limited to Defendants Rochester PD, Rochester Fire, and Rochester 911, and all of their respective agents, servants and/or employees, including but not limited to Defendant Warren, were careless, reckless and/or negligent under the circumstances, in that they (a) failed to follow applicable processes, procedures and protocols when, on March 8, 2018, Rochester 911 was alerted to Decedent's presence on the Frederick Douglass–Susan B. Anthony Memorial Bridge; (b) failed to properly handle the emergency situation involving Decedent's disappearance; (c) failed to dispatch the fire and water rescue crews to the bridge for Decedent; and (d) failed to supervise and/or monitor the District, resulting in Decedent's death.

110. The City and all of its respective departments, including but not limited to Defendants Rochester PD, Rochester Fire, and Rochester 911, and all of their respective agents, servants and/or employees, including but not limited to Defendant Warren, had a duty to protect the City's citizens, and to promptly and properly search for and rescue citizens who are reported missing and/or in danger.

111. The City and all of its respective departments, including but not limited to Defendants Rochester PD, Rochester Fire, and Rochester 911, and all of their respective agents, servants and/or employees, including but not limited to Defendant Warren, breached that duty.

112. The City's Fire Chief John Schreiber confirmed that fire trucks could have arrived on the bridge in three minutes if they had been dispatched according to protocol. McDermott, Meaghan, et al., 2018, "Mayor Warren: 'Adult failures' led to teen's death; six 911 employees placed on leave," <https://www.democratandchronicle.com/story/news/2018/03/13/trevyan-rowe-teen-autism-rochester-school-district-911-dispatchers/421476002/> (last accessed May 28, 2019).

113. Despite a series of phone calls to Rochester 911, reporting Decedent's presence on the bridge, no fire or water rescue crews were dispatched to search for or attempt to save Decedent.

114. The City and all of its respective departments, including but not limited to Defendants Rochester PD, Rochester Fire, and Rochester 911, and all of their respective agents, servants and/or employees, including but not limited to Defendant Warren, failed in their duty as civil servants, disregarded their duties to protect citizens, and failed Decedent and his family, causing Decedent's death.

#### AS AND FOR A FIRST CAUSE OF ACTION

115. Plaintiff repeats, reiterates and realleges each and every paragraph herein.

116. That as a result of all the foregoing, Decedent was caused to die on March 8, 2018.



117. That Decedent left heirs surviving, including but not limited to Plaintiff Carrie Houston, who, by reason of Decedent's wrongful death, have suffered a pecuniary loss, including a loss of guidance and support, which is in a monetary sum far exceeding the jurisdictional limitations of all lower Courts of the City of Rochester, State of New York, and/or Courts which might otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**

118. Plaintiff repeats, reiterates and realleges each and every paragraph herein.

119. That Plaintiff Carrie Houston was the mother and natural guardian of Decedent, and as such was entitled to his love, solace, affection, companionship, support, and household services.

120. That by reason of the foregoing, Plaintiff Carrie Houston has been deprived of Decedent's love, solace, affection, companionship, support and household services.

121. That by reason of the foregoing, Plaintiff Carrie Houston has been damaged in a monetary sum that far exceeds the jurisdictional limitations of all lower Courts of the City of Rochester, State of New York, and/or Courts which might otherwise have jurisdiction.

**WHEREFORE** Plaintiff Carrie Houston demands judgment against Defendants, and against each of them, jointly and severally, on the First and Second causes of action, each in a monetary sum which far exceeds the jurisdictional limitations of all lower Courts of the City of Rochester, State of New York, and/or Courts which might otherwise have jurisdiction; together with the costs and disbursements of this action.

Dated: Huntington, New York  
May 31, 2019

Respectfully submitted

BROWN LLC

*Attorneys for Plaintiff*

By: 

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**Attorney's Verification**

JASON T. BROWN, attorney admitted to practice in the courts of the State of New York, affirm: that I am a member of the firm BROWN LLC, attorneys of record for the plaintiff in the within action; that I have read the foregoing Summons and Complaint and know the contents thereof; that the same are true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters I believe it to be true. I further state that the reason this verification is made by me and not by the Plaintiff is that the Plaintiff does not reside within the County of Suffolk where I maintain my office.

The grounds of my belief as to all matters not stated upon my knowledge are as follows: the records of the Plaintiff made available to me.

I affirm that the foregoing statements are true, under penalties of perjury.

Dated: Huntington, New York  
May 31, 2019

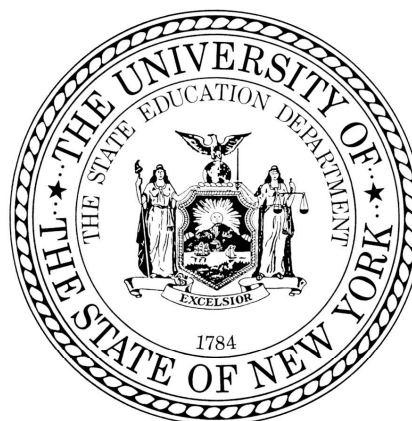
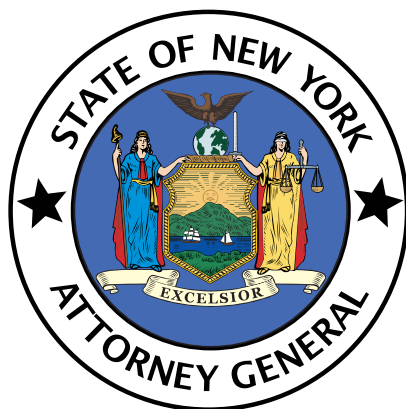
  
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JASON T. BROWN

# Exhibit 1

# New York State Attorney General & New York State Education Department

## Joint Report on

# The Investigation into the Death of Trevyan Rowe





# New York State Attorney General & New York State Education Department Joint Report on The Investigation into the Death of Trevyan Rowe

## Executive Summary

On the morning of March 8, 2018, Trevyan Devon Rowe (“Trevyan”), a 14-year-old student of the Rochester City School District (“RCSD”), boarded and rode the school bus to James P.B. Duffy School No. 12 (“School #12”), a kindergarten through eighth grade school located in Rochester, New York. When Trevyan got off the bus, however, he did not enter the school, but rather exited school property and went missing. Tragically, three days later on March 11, 2018, Trevyan’s body was found in the nearby Genesee River.

On March 19, 2018, the New York State Attorney General and New York State Education Department Commissioner launched a civil investigation into the facts and circumstances surrounding Trevyan’s death, including a review of RCSD’s policies, procedures and protocols. The investigation consisted of reviewing hundreds of pages of policy documents and email correspondence, conducting site visits, and interviewing approximately fifty staff members and certain members of Trevyan’s family who were willing to be interviewed.

The tragic facts surrounding this situation present a clear picture of a student facing serious mental health issues who was also receiving special education and related services in a school in which safety and school climate were compromised and policies were lacking and/or not consistently implemented.

As discussed in detail below, the findings of the investigation are categorized into four main areas: (A) mental health services, including behavioral intervention; (B) special education; (C) attendance policies; and (D) school safety considerations, including transportation.

Regarding mental health issues, the investigation found: (A) potentially inadequate and/or delayed services for mental health treatment; (B) an overly narrow application of behavioral intervention plans; and (C) consistent lack of documentation when behavior crises occur.

With respect to special education, the investigation revealed: (A) that there were initial delays in providing Trevyan with special education services upon his transfer to RCSD from a school in Texas; (B) it may have been appropriate to change Trevyan’s disability classification from learning disabled to emotionally disturbed as he continued to develop over time as a student at School #12, and at the very least an emotional disturbance classification does not appear to have been adequately considered and documented at his Committee on Special Education (“CSE”) meetings; and (C) misunderstandings of disability classifications in a chaotic school climate perpetuated the inability of RCSD to provide assistance to Trevyan through the special education process.

In terms of attendance policies, the investigation found: (A) RCSD employed overly permissive procedures that allowed school staff to submit their attendance records days, weeks, and sometimes even months after the class in question, and to freely make changes to those records after submission without meaningful oversight; (B) RCSD had an inadequate and untimely system for parental notification of unexcused absences; and (C) school administrators failed to play any active or meaningful role whatsoever in ensuring that attendance was taken in a timely and accurate manner.

Finally, turning to the issue of school safety and transportation, the investigation concluded that: (A) RCSD employed insufficient procedures to ensure the safety of students during arrival and dismissal; (B) chronic staff turnover and the use of substitutes within the District, combined with inadequate creation and retention of student records, resulted in the potential for students to fall between the cracks; (C) RCSD either did not employ a centralized policy for creating or maintaining safety or emergency plans for individual students such as Trevyan, or has not adequately trained its staff on that centralized policy; (D) the general building safety plan at School #12 was not sufficiently known to and/or understood by staff and (E) a chaotic school environment existed.

The factual findings appearing below are presented in chronological order when possible. By publishing this joint report, the New York State Office of the Attorney General (“OAG”) and the New York State Education Department (“SED”) do not purport to identify any single cause for Trevyan’s tragic death, which appears to have been the result of a combination of multiple factors. Rather, this report is aimed at identifying ways that RCSD and other school districts can attempt to prevent or reduce the risk of tragedies like Trevyan’s death from happening in the future.

### **Statement of Facts<sup>1</sup>**

After having attended school as a special education student in both Arkansas and Texas, on April 13, 2013, Trevyan Rowe was enrolled in RCSD towards the end of his third grade year. He was originally enrolled in RCSD as a general education student, as there were delays in RCSD’s receipt and review of his prior education records. After approximately one month at School #12, Trevyan was identified as a student with a disability, and he was classified as learning disabled.

In his five school years as a student at RCSD, Trevyan exhibited increasingly problematic behaviors and suicidal ideations, which are detailed as relevant in the substantive sections below, as well as in the timeline appended to this report. In summary, even upon his initial arrival, Trevyan was known to have experienced traumatic events, but he was not recommended for in-school counseling during his first four years at RCSD. Over the ensuing years, he became confused and panicked during a fire drill, wandered away from classes when he reportedly became overwhelmed, and had the Mobile Crisis Team at Strong Memorial Hospital called on him on at least three occasions in or about November 2013, sometime in the fall of 2016, and in September 2017.

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<sup>1</sup> For a more complete timeline of events, please refer to the Appendix appearing at the end of this Report.



By the time Trevyan was a fifth grader, he was observed writing suicidal statements in his school notebooks, and would occasionally raise his hand to ask off-topic questions about attempting to kill himself during class lectures. Nevertheless, for the entire period from fifth grade until his final school year at RCSD (2017-2018), school staff who became aware of Trevyan's behaviors and severe emotional issues, including social workers, recommended that he receive only *outside* mental health counseling, but did not recommend in-school mental health counseling. Staff's focus on community mental health services continued for years despite repeated indications that those recommendations would not, or perhaps could not, be carried out, even as Trevyan's behaviors increasingly affected his studies at School #12.

In May 2017, in addition to reviewing his next year's Individualized Education Program ("IEP"), Trevyan had a reevaluation of his disability classification. The behavioral assessment tests performed on Trevyan in preparation for what would be his last CSE meeting revealed that his cognitive abilities had shown significant improvement. Tests relevant to his learning disability revealed scores in the average range, whereas his anxiety and depression scores were in the "clinically significant" range, i.e., the most concerning. At the meeting in May 2017, although staff reportedly considered a classification of emotional disturbance, it was ultimately decided that Trevyan would continue to be classified as learning disabled. For the first time, however, in-school psychological counseling services were added as a related service on his IEP. Those counseling services would be with the social worker on staff at School #12, but would not commence until the following school year (2017-2018).

However, when Trevyan began seventh grade in the fall of 2017, his problematic behaviors had reached a new level. For instance, at dismissal time on or about September 20, 2017, he became extremely upset and threatened (and according to some even attempted) to run between the buses to harm himself. When the school safety officer caught up with him, Trevyan told him that he wanted to kill himself, so Trevyan was physically escorted back into the building. Because Trevyan denied wanting to kill himself when evaluated by the newly-assigned social worker at School #12, he was sent home. School staff contacted the Mobile Crisis Unit and had them go to Trevyan's home that day, but they did not involve themselves any further except being told by the family advocate who had been assigned that her calls had not been returned. The investigation revealed no evidence of any further actions taken by RCSD to follow up on this situation, including for example, by additional attempts to contact or engage the family.

As detailed in Section I below, episodes like these recurred through the rest of 2017, but staff still did not develop a written safety plan, or convene the CSE to review Trevyan's behavioral needs. In one example, Trevyan made disturbing comments about harming himself or others in school notebooks. On another occasion in October 2017, he became upset during his special education class and ran out of School #12. The principal was out of the office on that day; the administrator covering for her attempted to search for Trevyan, but he could not be located. Eventually, after approximately an hour had passed, Trevyan returned to the school. Even after that elopement, there was still no written safety plan created. Despite these events, school staff then described Trevyan's behavior as having improved at the beginning of 2018, although it does not appear that he had received any mental health services in addition to his IEP-mandated in-school psychological counseling.

Thereafter, at approximately 7:37 a.m. on March 8, 2018 according to RCSD cameras, Trevyan arrived at School #12 via the school bus, but he never entered the school that day. Video footage reveals that he immediately turned right and headed northbound towards the side of the building. Within seconds, still undetected, he turned left and headed west along the library wall. By approximately 7:42 a.m., he had exited the school property and entered the wooded area surrounding school grounds. As explained in Section 4 below, the staff members regularly assigned to monitor bus arrivals were primarily standing inside or right next to the building entrances, where they were unable to see Trevyan's elopement. Those who were standing further outside, including on the sidewalks, are observable on camera talking amongst themselves and only intermittently, if ever, facing the direction of students disembarking from buses. The bus driver, who was a substitute filling in that day, also with no knowledge of prior issues involving Trevyan, similarly failed to observe when Trevyan exited the bus and traveled in the wrong direction, away from the school.

The investigation revealed that the attendance record for Trevyan's first period was timely submitted at 7:52 a.m., but Trevyan was erroneously marked "present." Because the RCSD system of sending out notification calls ("robocalls") to parents of children who were marked "unexcused absent" could only be triggered by attendance taken during that first period class, no robocall went out to the phone number on file for Trevyan that morning. In any event, robocalls were not scheduled to occur until 11:00 a.m., which may have been too late to have helped Trevyan, who was reported in a 911 call to have been standing on a non-pedestrian bridge above the Genesee River shortly after 8:00 a.m. Reportedly, when state police arrived at the bridge, no one was seen and the call was cleared.

Although Trevyan's second period teacher accurately marked him "unexcused absent," nothing further was done to inquire into his absence and the school day passed like any other. It was not until Trevyan failed to get off the school bus at the end of the day, and his family members came to School #12 looking for him at approximately 3:26 p.m., that any school staff even knew he was missing. For nearly two hours, Trevyan's assigned vice principal and his fifth through sixth grade special education teacher attempted to determine whether he had taken the school bus that morning or attended any of his classes that day. Police were not contacted until approximately 5:15 p.m.; two officers from the Rochester City Police Department arrived at the school at 5:44 p.m.

School #12 had an interim principal as of March 8, 2018, and she had not been in the building that day due to a principal's meeting. The interim principal was contacted at some point that evening, and arrived at the school at approximately 6:58 p.m. Additionally, per RCSD protocol, school staff contacted the School Chief, but she was at a Board of Education meeting that evening, along with numerous RCSD officials including the Superintendent and Chief Operating Officer. The School Chief did not call school staff back until after 7:00 p.m. Several phone calls were also made by school staff and the School Chief to the Director of Safety and Security for RCSD, but the Director had been out on medical leave that day and was taking medications that impaired her ability to recall any details of her conversations that evening and there is no evidence that she designated an alternate to act in her stead. Eventually, at 8:20 p.m., the Director of Safety and Security sent out a blast email to the RCSD executive cabinet describing three noteworthy incidents that had occurred within the District that day, including the fact that Trevyan had gone missing from School #12. Trevyan's situation appeared third in the list of the three issues and read as follows:

"There is a missing School #12 student who rode the bus to school, but didn't come into the school. This evening it was reported that the student had lost his phone and made a comment if he didn't find it, he was going to kill himself. The police and the parents were working with the school administrators on this investigation."

Officials employed by the District's Safety and Security Department were not dispatched to assist police until the following morning. Many school and District staff members reported finding out for the first time that Trevyan was missing only when they watched the news on the morning of Friday, March 9, 2018. District officials reported to investigators, though, that Safety and Security Department staff members did participate in attempting to locate Trevyan from Friday through Sunday, March 11, 2018. Sometime in the evening on Sunday, March 11, 2018, police contacted District officials and informed them that Trevyan's body had been located in the Genesee River.

# **1. Mental Health Services, Including Behavioral Intervention**

Our investigation revealed three main concerns relating to RCSD’s provision of mental health services, including behavioral intervention: (A) potentially inadequate and/or delayed services for mental health treatment; (B) an overly narrow/inadequate application of behavioral intervention plans; and (C) consistent lack of documentation when behavioral crises occurred.

After a delay of about a month after enrolling in RCSD on or about April 8, 2013, which is discussed in more detail in the Special Education Services section of this report, Trevyan was provided with an IEP in May 2013. The May 2013 IEP did not provide for any counseling services throughout the 2013-2014 school year, during which time Trevyan was retained to repeat third grade. Even at that time, though, there were documented mental health concerns involving Trevyan. He was known to have experienced multiple traumatic events in his life, and there were discussions between RCSD staff members about the possibility of him suffering from post-traumatic stress disorder (“PTSD”). It was reportedly recommended that Trevyan receive mental health counseling outside of the school setting. Ultimately, though, the social worker at School #12 decided not to recommend any school-based counseling at that time.

Notably, a psychological evaluation of Trevyan was conducted in May 2013, and a draft version of the resulting report contained three recommendations pertaining to mental health, namely, to make efforts to monitor his suicidal ideation, develop a safety plan, and initiate positive statements to strengthen his internal coping strategies. However, those recommendations were omitted from the final version of the evaluation report that was placed in Trevyan’s cumulative file, and none of the concerns about his mental health appeared in the final IEP, despite the fact that the draft psychological evaluation points out the need for mental health services, specifically to monitor Trevyan’s suicide ideation (there is no explanation as to why those recommendations were omitted in the final version). Thus, the investigation reveals that, as early as May 2013, within a month of Trevyan’s first entry into RCSD from Texas, evidence of mental health issues, including suicidal ideation, were present.

Upon his arrival at RCSD, Trevyan’s teachers began to note several other areas of concern. For one, they developed an Emergency Evacuation Plan for Trevyan, following an incident when he had become disoriented and required one-on-one support to exit the building during a fire drill in June 2013. It is unclear how long that Emergency Evacuation Plan was continued, but it was not referenced on his next IEP, which was created in May 2014. Trevyan left the classroom unattended on at least one occasion in September 2013, which was noted to be consistent with reports of his having roamed and hidden in the classroom when he attended school in Arkansas.

Later, in November 2013, the social worker at School #12 assessed Trevyan’s mental health status and concluded that he did not pose a danger to himself or others at that time, but she still referred him to the Mobile Crisis Team at Strong Memorial Hospital. Neither Trevyan’s cumulative file, nor his special education file, contain any documents setting forth the details of the events that prompted the social worker to perform that assessment or make that referral, nor did any of the interviewees recall that day’s events. What is clear from the record, however, is that Trevyan was still not provided with school-based counseling at that time, and his next IEP, which was developed at a meeting held in May 2014, is silent on the matter of any mental health concerns.



During the 2014-2015 school year, Trevyan's fourth grade teacher observed his behavior to be erratic; he would reportedly appear to be happy one minute but then would become very upset. In October 2014, there was a conference with Trevyan's guardian where it was decided that the social worker would help in getting him outside mental health counseling. Although it appears that an appointment was scheduled for him at an outside clinic, the RCSD staff interviewed did not believe that Trevyan ever received the recommended mental health counseling. In his next IEP developed at the next annual review in May 2015, Trevyan continued to be classified as learning disabled, and no references were made to any concerns about his mental health. To the contrary, in fact, that IEP provides that Trevyan did not demonstrate any social or emotional needs that school staff believed required psychological counseling in the school setting.

As a fifth grader in the 2015-2016 school year, and a sixth grader in the 2016-2017 school year, Trevyan continued to exhibit problematic behaviors at school, and yet he still did not receive any school-based counseling. Several times, he left what are referred to as "special area subjects," including physical education and music class, unattended and without an excuse. He was observed writing suicidal statements in his notebooks, and he would occasionally raise his hand and ask off-topic questions about attempting suicide during lessons. It does not appear that any RCSD staff kept a formal record of those occurrences. According to his teacher, a social worker was called on each occasion, but, when interviewed during this investigation, the social workers were no longer employed at School #12, and were unable to recall any specific incidents, nor to even confirm whether they were the ones who had responded.

The lack of documentation and action with appropriate follow through of these crises appears to be a chronic problem. It was explained to investigators that social workers are called to meet with individual students who are "in crisis," but those calls do not place the student into that social worker's regular caseload. In RCSD, each individual social worker appears to employ their own varying method (and degree) of note-taking practices, such that there does not appear to be any centralized paper record created. Nor does there appear to be any attempt at consistency in RCSD in sending the same social worker when a student repeatedly presents in crisis (unless that student is already receiving psychological counseling as a related service under an IEP, which Trevyan was not at this time). Especially because social workers are regularly transferred between schools, proper documentation maintained in a centralized file specific to the student is essential to track that student's wellbeing and to identify when suicidal ideations or other negative behaviors are escalating.

At some point during his sixth grade year (2016-2017), the Mobile Crisis Unit was called to the school, and Trevyan was found to pose a danger to himself or others and was taken to the hospital. Trevyan was reportedly making threats of self-harm, writing about ways to commit suicide in his school notebook, and giving away his belongings to classmates. It was reported to investigators that there was no social worker assigned to School #12 when the Mobile Crisis Unit was called. In October 2016, school staff were under the impression that Trevyan was awaiting an opening at an inpatient mental health center, but this is not believed to have come to fruition. His teacher discussed the need to complete an emergency plan for him around that time, but no written plan has been provided to our investigators, and RCSD has informed us that it does not appear that the District ever had a formal written safety plan for Trevyan. Consistent with this, none of

Trevyan's IEPs note the existence of a safety or emergency plan, and Trevyan's special education teacher from the following school year denied receiving any such plan.

Notably, there are records in Trevyan's special education file indicating that his mother took him to an outside medical provider in November 2016, and that doctor diagnosed Trevyan with an unspecified conduct disorder. Although those medical records were sent to the school and placed in Trevyan's cumulative file, it does not appear that there was any further follow up by school staff. Trevyan's special education classification remained learning disabled while at RCSD.

Eventually, at his regularly-scheduled CSE meeting in May 2017, and after the numerous incidents described throughout this report, it was decided that Trevyan would begin to receive in-school psychological counseling services. His services consisted of a small group session and an individual session, each to take place 30 minutes per week. Those counseling services would be with the social worker on staff at School #12, but would not commence until the upcoming 2017-2018 school year.

When Trevyan began 7<sup>th</sup> grade in the fall of 2017, he was assigned to a new special education teacher, who was completely unaware of the events discussed above and his history of suicidal ideation. When she reviewed his updated IEP, it described Trevyan as a student with a learning disability and said little, if anything, about depression or suicidal ideation. The only possible indication would have had to have been gleaned from vague statements such as the following note by the school social worker: "Trevyan needs to develop social skills to communicate effectively to get his needs met and the ability to interpret social cues appropriately. He also needs individual counseling to work on his high anxiety and frustration as well as negative feelings about himself. I am therefore recommending both individual counseling ... and group counseling."

By the time the 2017-2018 school year got underway, Trevyan was exhibiting even more troubling behavior. At dismissal time on or about September 20, 2017, it was reported to school staff by other students that Trevyan was attempting to run between the buses with a desire to harm himself. When the school safety officer caught up with him, Trevyan was extremely upset and said that he wanted to kill himself; he had to be physically escorted back into the building. Trevyan's school administrator met with him and asked whether he wanted to hurt himself, at which point he kept saying, "If I say no, can I go home, can I get on the bus?" His special education teacher arrived at some point during the incident, and Trevyan likewise told her that he just wanted to go home.

Before leaving school that day, Trevyan was assessed by the new social worker. The assessment notes that, during the interview, Trevyan changed his statement so he was no longer expressing an intent to harm himself. Trevyan further denied having a plan, and said he did not intend to act on his suicidal thoughts because doing so would be "too painful." According to the social worker, she obtained Trevyan's mother's consent and then called the Mobile Crisis Unit to assess Trevyan at home. The social worker and Trevyan's school administrator then drove him home. Upon their arrival, one or more of Trevyan's siblings came to the door and said that his mother was asleep. The social worker and school administrator left the home without speaking to Trevyan's mother, and before the Mobile Crisis Unit had arrived. While the social worker

followed up in the following days, she learned that Trevyan had been given a family advocate to assist in getting him community-based mental health services, but no one had returned the family advocate's calls. The investigation revealed no evidence that RSCD staff attempted to, for example, ensure that Trevyan was left at home under proper supervision and/or that the Mobile Crisis Unit actually arrived that day, or that any subsequent actions were taken by RSCD to follow up on this situation, including additional attempts to contact or engage the family.

The social worker reported to investigators that there was no official form to complete regarding the September 20, 2017 events. However, in response to a request for policy and procedure documents by OAG and SED, RSCD provided, inter alia, the documents attached hereto as **Exhibit A** which did include a suicide assessment component. RSCD has confirmed that it has no record of the documents contained in **Exhibit A** having ever been completed for Trevyan. Following this incident, there is no evidence that any actions were taken by anyone in the RSCD to address possible safety concerns regarding Trevyan's suicidal ideation or his potentially unsafe behavior during arrival and dismissal. At a counseling session with the social worker on October 2, 2017, Trevyan reportedly discussed wanting to become a "terrorist." The next day, October 3, 2017, his special education teacher observed him writing the word "die" all over his paper, so she notified the social worker, who came upstairs to speak with him about it. Trevyan expressed reluctance to discuss what he had written, and said that it was not about himself. In an email to Trevyan's school administrator, the social worker said that Trevyan "just needs more than what school counseling can provide." It does not appear that a suicide assessment form was completed at that time, nor did any of these additional events apparently prompt staff to write a safety or emergency plan for Trevyan. Additionally, there is no indication that the district-wide school safety plan was sought or reviewed to ascertain how to deal with an implied or direct threat of suicide, which such plan is required to address (8 NYCRR §155.17[c][1]).

Several weeks later, on October 27, 2017, Trevyan became upset with his special education teacher, ran out of class, and exited the school at approximately 10:10 a.m. Several administrators and security officers went looking for him, but Trevyan returned to school approximately an hour later. He reported to school staff that he had gone to a nearby cemetery during the elopement. According to Trevyan's school administrator, those staff members who were involved in the prior incidents were already aware that it was necessary to "keep an eye out for him," but she too was unaware of any formal written plan for his safety either prior to, or after, this elopement from school. The investigation reveals no evidence that a written safety plan was drafted or implemented following this elopement.

Finally, on or about December 15, 2017, Trevyan again became upset during his special education class shortly before dismissal. His teacher observed him throwing a number of his personal belongings into the garbage can, which she then retrieved. She permitted him to get on the bus at dismissal, but his teacher then recounted the incident to his social worker and school administrator since it did not "sit well" with her. It was decided that she and the social worker would go to Trevyan's home to make his mother aware of how upset he had become. When they arrived at Trevyan's home, they were informed that Trevyan's mother was not at home, and that Trevyan's bus had not yet arrived to drop him off, so they left a message for his mother explaining what had happened and asking her to call them back. Trevyan's mother reportedly did not call

back, and there do not appear to have been any further efforts by school staff to follow up on this incident.

The notes of individuals having contact with Trevyan that were provided in connection with this investigation do not address any subsequent events involving Trevyan until his disappearance on March 8, 2018. The staff members who were interviewed denied that any other troubling incidents occurred during that time. His special education teacher reported that Trevyan's outlook appeared to improve in the time before his death. According to his social worker, he remained uncomfortable with his individual counseling sessions with her, but he never stopped attending them. She was never made aware of his receipt of any outside mental health services prior to March 8, 2018, and does not believe that he received any.

It is beyond dispute that a student cannot succeed at school when issues such as depression or anger are causing him to write suicidal statements in school notebooks, ask unrelated questions about self-harm during lessons, elope from classes and then from school entirely, and require Mobile Crisis Unit services during school hours. Based on the information gathered in this investigation, RCSD should have considered whether Trevyan's education was being impacted to a greater degree by issues such as depression and suicidal ideation than by the cognitive impairments he had when he arrived at RCSD in 2013. In publishing field advisories, SED has instructed school districts on health and safety precautions for students with disabilities, including the importance of requesting additional meetings when pressing safety concerns arise. There are two field advisories that are particularly relevant here in that they were issued in the wake of an elopement of a student with a disability from a school in New York City, resulting in that student's tragic death. Both field advisories are attached hereto as **Exhibit B**. One of them, issued in April 2014, states that "when a behavioral concern is raised that was not considered by the CSE, the teacher or other staff should use appropriate discretion to request a meeting of the CSE to review and, if appropriate, revise the student's [IEP] and consider a functional behavioral assessment and behavioral intervention plan to address the concern." However, none of the RCSD staff members interviewed who regularly participate in annual reviews and reevaluations were familiar with the field advisory, and few, if any, had ever heard of a CSE meeting taking place to address new issues prior to the review coming due.

As discussed in more detail in the Special Education Services section of this report, Trevyan's special education classification was also significant. If Trevyan's classification had been changed to emotional disturbance at the May 2017 reevaluation, or if the prior behaviors discussed in this report had been better documented in the 2017-2018 IEP, Trevyan's 7<sup>th</sup> grade special education teacher may have been made aware of his history of suicidal ideation. The difficulty of determining the credibility of an adolescent's threat to harm himself was a frustration repeatedly expressed to investigators, but that task is rendered nearly impossible if prior incidents of making and/or acting on such threats are not memorialized in writing. The investigation revealed a consistent lack of documentation in this regard.



Additionally, during this investigation, school staff who were interviewed described a common misperception that in order to have a functional behavioral assessment (“FBA”) and/or a behavioral intervention plan (“BIP”), a student requires a classification of emotionally disturbed. The investigation revealed that there is a misunderstanding held by some staff members that a BIP is only appropriate to address outward acts of aggression or other externalized behaviors generally resulting in disciplinary action.

In the field advisories mentioned above, though, SED specifically instructed school districts about the development of a BIP for students with wandering tendencies. The first advisory, issued in November 2013, explains that each CSE “must identify if the student has behaviors that impede his or her learning or that of others,” including “a consideration of whether a student has the tendency to wander or elope and, if so, *to ensure that [an FBA] of the behavior is conducted and that the behavior is addressed through proper supervision and through an individualized [BIP] based on the results of the FBA.*” See **Exhibit B** (emphasis added). Thus, even if it was appropriate to continue Trevyan’s classification of learning disabled, his escalating behaviors in fall 2017 and winter 2018 should have triggered another CSE meeting, a referral for an FBA, and consideration of a BIP within the special education realm, not to mention a school safety plan in the form of the template provided by RCSD but which was apparently never used for Trevyan. See **Exhibit A**.

Also, to the extent that school staff sought to excuse their inaction involving Trevyan based on his family’s alleged lack of follow-through in obtaining outside mental health treatment, it is true that parental consent is undoubtedly an essential component of providing services under the IDEA. See, e.g., 20 U.S.C. §§ 1414(a)(1)(D) and (c)(3). Of course, this investigation into RCSD’s policies and practices was not focused on the actions of Trevyan’s legal guardian, but it should be noted that the investigation did not reveal any outward opposition by her.<sup>2</sup>

As noted above, Trevyan’s mother took Trevyan to see a doctor in November of 2016. Further, based on the documentation provided to OAG and SED, it appears that the May 2017 CSE meeting was the first time that in-school psychological counseling was recommended by school staff, and it was reportedly agreed upon without objections on that same date.

School staff were unable to explain their lack of follow up regarding the diagnosis of unspecified conduct disorder from an outside medical provider for Trevyan in November 2016. Additionally, any licensed clinical social workers employed at School #12 are licensed to diagnose patients with anxiety and depression under the Diagnostic and Statistical Manual of Mental

<sup>2</sup> As there were many questions raised in the media coverage of this incident about whether Trevyan was autistic, it bears mention that our investigation revealed no evidence of his having ever received a medical diagnosis of autism, nor was he ever classified as autistic in connection with the special education services he received from RCSD. When Trevyan’s mother took him to the doctor in November 2016, she expressed her belief that Trevyan may have an autism spectrum disorder. That doctor therefore recommended that Trevyan be tested for autism, but the diagnosis that she actually recorded in his chart was unspecified conduct disorder, which is more indicative of emotional disturbance than any other classification. It also bears mention that, of the thirteen classifications in connection with special education, autism is the one where there is the strongest preference to first obtain an outside medical diagnosis, which diagnosis cannot be made by a social worker or other School #12 staff. For these reasons, the results of this investigation suggest that it was not an autism spectrum disorder that potentially went unaddressed in Trevyan’s life, but rather it was much more likely an untreated mental health disorder.

Disorders (DSM). The school district also apparently makes referrals to an outside psychiatrist in the Rochester community, and yet no documentation has been provided in this investigation demonstrating that such a referral was ever effectively communicated in Trevyan's case.

Throughout this investigation there were numerous failures by staff to ensure Trevyan received the interventions and supports he needed, especially when it was clear that he wanted to hurt himself. The New York State 2016-2017 enacted budget amended Education Law §2801-a regarding school safety plans to require that annual school safety training for staff and students include training on mental health. Education Law §2801-a was also amended to require that district-wide safety plans include policies and procedures for (1) responding to implied or direct threats of violence by students, teachers, and other school personnel as well as visitors to the school, including threats by students against themselves, including suicide; and (2) contacting parents, guardians or persons in parental relation to an individual student in the event of an implied or direct threat of violence by such student against themselves, including suicide. As a result, SED provided schools with resources on understanding the warning signs of depression, suicide and other mental problems. (see: <http://p1232.nysed.gov/sss/documents/MentalHealthResourcesforEducators.pdf> and <http://www.p12.nysed.gov/sss/ssae/schoolsafety/save/>). RCSD is required to certify that all staff are trained in mental health when they submit their Basic Educational Data System (BEDS) data to SED in October of each year.

This investigation has raised serious questions as to whether adequate responses were taken to refer and/or provide mental health services to address Trevyan's mental health issues, specifically his suicidal ideation and depression. One recommendation is for RCSD to partner with a community mental health agency to provide extensive training on the warning signs of depression, suicide and other mental health problems, and focus the training on ways for all school personnel to learn to recognize these signs and provide the necessary and appropriate referrals and/or services in order to prevent a tragedy like this ever occurring again.

In addition, the new, Safe and Supportive Schools Technical Assistance Center will be available to provide training and resources to schools beginning this year and will focus on mental health, trauma, informed practices and other key issues impacting the health and safety of students.

## 2. SPECIAL EDUCATION SERVICES

Our investigation revealed: (A) that there were initial delays in providing Trevyan with special education services upon his transfer to RCSD; (B) it may have been appropriate to change Trevyan's disability classification from learning disabled to emotionally disturbed as he continued to develop over time as a student at School #12, and at the very least an emotional disturbance classification does not appear to have been adequately considered and documented at his CSE meetings; and (C) misunderstandings of disability classifications in a chaotic school climate perpetuated the inability of RCSD to provide assistance to Trevyan through the special education process.

The Individuals with Disabilities Education Improvement Act of 2004 (the "IDEA") has defined the special education law prior to and throughout the time that Trevyan was a student of RCSD. Under the IDEA, "[a]ny State educational agency, State agency, or local educational agency that receives assistance under this subchapter shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education by such agencies." 20 U.S.C. § 1401(a). The term "child with a disability" means a child "(i) with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services." 20 U.S.C. § 1401(3)(A).

At the outset, it bears mention that Trevyan's transfer records should have been obtained and reviewed sooner upon his enrollment at RCSD on or about April 8, 2013, as he had already been identified as a child with a disability in two other states, but he was initially enrolled at RCSD as a general education student not receiving any special education services. "In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency conducts an evaluation . . . and develops a new IEP." 20 U.S.C. § 1414(d)(2)(C). In fact, in most circumstances, an educational agency may disclose personally identifiable information from a student's education record without the usual required consents, but after making a reasonable attempt to notify the parent, to officials of another school where the student seeks to enroll and the disclosure is related to the student's enrollment or transfer. 34 C.F.R. §§ 99.31(a)(2); 99.34.

During the course of the investigation, it was reported to OAG and SED that RCSD eventually obtained Trevyan's transfer records from the school he had attended in Arkansas, but that records were never received from the Texas school district. However, a review of Trevyan's cumulative school record reveals that, as early as April 15, 2013, RCSD had sufficient information from the Texas school district to indicate that Trevyan had been a special education student in that state. Nevertheless, Trevyan was not given an Interim Placement Agreement for special education services through RCSD until nearly a month later on May 6, 2013.

Furthermore, there appears to have been a misunderstanding amongst RCSD staff regarding how long Trevyan had attended school in Texas, which may have contributed to their failure to obtain his complete Texas records. RCSD staff communicated a continued belief during interviews that Trevyan had attended school in Texas for only a brief period of time, whereas enrollment records provided to RCSD on April 15, 2013 indicate his enrollment for at least one year. It is also concerning that RCSD never obtained a complete copy of Trevyan's transfer records from Texas, including his IEP for the 2012-2013 school year. RCSD staff who were interviewed on this subject claimed that the Texas school district failed to respond to repeated requests for the records, but no documents supporting these claims could be found in Trevyan's cumulative file. However, it bears mention that, in seeking to obtain the complete Texas records in connection with this investigation nearly five years after Trevyan's relocation to Rochester, our investigators were able to quickly obtain them.

Once RCSD staff became aware of Trevyan's need for special education services, he was tested and classified as learning disabled in an IEP created at a CSE meeting held in May 2013. His classification was based upon the facts that his verbal abilities were in the very-low range, his nonverbal reasoning abilities were in the low range, and his academic skills were significantly delayed in all areas. Trevyan's special education programs and related services under this IEP included a resource room program where he received assistance in the areas of English and Language Arts one hour per school day, as well as speech/language therapy in a small group setting for thirty minutes per day.

Throughout the entire time that Trevyan was a student at RCSD, he was classified as a student with a learning disability. One of the behavior assessment tests performed on Trevyan in preparation for the May 2017 CSE meeting revealed that he scored in the average level for learning problems, whereas his anxiety and depression scores were in the highest "clinically significant" range. Regarding cognition, his general conceptual ability (GCA) standard score was also in the "average" range. Nevertheless, Trevyan's primary classification of learning disabled remained unchanged.

The IDEA and federal regulations set forth a total of thirteen disability classifications and, based on this investigation, the two that appear to be most relevant to Trevyan's case are "specific learning disability" and "emotional disturbance." Specific learning disability is defined under the law as "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia." 34 C.F.R. § 300.8(c)(10)(i); see 8 NYCRR §200.1(zz)(6). The term does not include "learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage." 34 C.F.R. § 300.8(c)(10)(ii); see 8 NYCRR §200.1(zz)(6).



Emotional disturbance on the other hand is defined as “a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

- “(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- “(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- “(C) Inappropriate types of behavior or feelings under normal circumstances.
- “(D) A general pervasive mood of unhappiness or depression.
- “(E) A tendency to develop physical symptoms or fears associated with personal or school problems.”

34 C.F.R. § 300.8(c)(4). 8 NYCRR §200.1(zz)(4)

In light of these definitions, and as detailed above, there are indications that the CSE should have more thoroughly considered and/or recommended that Trevyan’s primary classification should have, at some point, been changed to emotional disturbance. That is certainly not to say that he did not have a learning disability, but as explained to investigators by the School #12 psychologist, “it’s our job to say what is the factor that’s most preventing this child from succeeding at school.” It is also important to note that Trevyan had improved over the years in speech and language therapy.

There are a few other issues to note on the subject of proper disability classifications, and the overall question of whether Trevyan’s special education services were sufficient. First, a significant number of the special education and mental health staff were unaware that the legal definition of emotional disturbance includes “[a] general pervasive mood of unhappiness or depression,” but rather were under the misimpression that it was meant to capture only those students who are outwardly disruptive and regularly commit disciplinary violations.

Second, a student’s classification and special education and related services are, in a sense, always under review in that, if suspected to be inaccurate or inadequate, those issues should be addressed immediately with parental consent, rather than waiting for the next regularly-scheduled CSE meeting. The IDEA establishes minimal requirements for reviewing the classification and services provided to disabled students. Specifically, school districts must conduct one annual review of a disabled student’s IEP (*see* 20 U.S.C. § 1414(d)(4)(A)(i); 8 NYCRR §200.4(f)). However, a CSE is required to arrange for an appropriate reevaluation of a student with a disability if the school district determines that the educational or related services needs warrant a reevaluation or if the student’s parent or teacher requests a reevaluation, but not more frequently than once a year unless the parent and the representative of the school district appointed to the CSE agree otherwise and at least once every three years, except where the school district and the parent agree in writing that such reevaluation is unnecessary (8 NYCRR §200.4(b)(4)).

This investigation uncovered one potential reason for the failure to hold an immediate CSE meeting for Trevyan, at least to the extent that that failure occurred during the 2017-2018 school year. Specifically, in July 2017, the District decided to restructure its special education department and laid off 22 staff members holding the title of Coordinating Administrators of Special Education (“CASE”), which thereby decreased the total number of CASEs employed by RCSD from 38 to only 16. Prior to those terminations, CASEs were the staff members charged with facilitating both annual reviews and reevaluations for disabled students throughout the District, and after the layoffs occurred, the schools within the District were left scrambling to fill the void. As reported to investigators, each individual school was charged with deciding which administrator or administrators would take over managing CSE meetings and carrying out IDEA requirements.

These changes appear to have been a mislaid attempt at complying with a report entitled “Report of the Review of Special Education – Rochester City School District,” which had been commissioned by RCSD and prepared by Judy Elliott, Ph.D. in April 2017, in the hopes of improving compliance within the District. The Elliott Report had identified numerous critical issues within the District, including but not limited to failures to conduct FBAs for all students who required them, CSE meeting minutes that were not fully reflective of meeting decisions, and insufficient staff to timely conduct CSE meetings. As explained by the RCSD Superintendent, one recommendation in the Report was not to cut, but rather to transition from so many administrators to more instructional experts and coaches that could work more directly with families and schools. However, the District’s attempt at carrying out Dr. Elliott’s recommendations, while perhaps well-intentioned, fell far short of their goal.

At School #12, the results were nothing less than chaotic. The principal concluded that the burden was too onerous to place on one single administrator and therefore split it up amongst her three vice principals based on grade level. Many of those interviewed, including the newly-appointed “building designees,” felt that RCSD failed to provide sufficient training in preparation for the switch over. This left School #12 reeling since only one of its vice principals had ever been trained in overseeing special education services based on a prior position she had held in the District. Once assigned, the building designees were confused about, and fell behind in, carrying out their newly-acquired duties. One area of confusion was which CSE meetings would continue being conducted by the 16 CASEs who remained on staff in the central district office, versus which meetings would now have to be scheduled and carried out by the building designees. Ultimately, the investigation revealed that RCSD’s redesign of its special education department led to confusion regarding roles and responsibilities, uncertainty among staff at School #12 and resulted in delays and disruptions in CSE processes and services.

Relatedly, frequent turnover within the District appears to be another culprit, particularly when combined with inadequate documentation practices. Over the last three school years, School #12 went through at least five different individuals acting as principal, four vice principals in charge of ever-changing grade levels, three social workers, two Center for Youth staff members, two speech pathologists, and countless clerical staff members in charge of attendance and other matters. In the years that Trevyan was enrolled in RCSD, his special education services were to be overseen by no fewer than eight individuals with various titles including a revolving door of CASEs, district representatives, and, most recently, the building designee. When these staff members left

School #12, they took any knowledge of Trevyan's past crises and special education needs with them. Additionally, in the 2017-2018 school year, Trevyan's support system at school essentially evaporated when he simultaneously received a new special education teacher, social worker, and speech pathologist. In recognition of the fact that school districts will always have turnover, it is crucial that the District take steps to minimize the impact, including proper documentation of crisis situations so that students like Trevyan do not fall through the cracks.

Third, it should be acknowledged that there may be limits to the special education services offered to disabled students regardless of their specific disability classification, but the classification assigned to them is nevertheless significant. A student's classification is clearly documented in the IEP and alerts any supervising staff members of that student's individual tendencies and behaviors. If Trevyan's classification had been changed to, for example, emotional disturbance at the May 2017 reevaluation, or if the prior behaviors discussed above had been better documented in his 2017-2018 IEP, Trevyan's 7<sup>th</sup> grade special education teacher may have been put on notice that he had a history of suicidal ideation. As stated earlier, the difficulty of determining the credibility of an adolescent's threat to harm himself was a frustration repeatedly expressed to investigators, however, this task becomes nearly impossible if prior incidents of making and/or acting on such threats are not memorialized in writing.

While it certainly cannot be said that a disability category of emotional disturbance as well as, or in conjunction with, learning disabled would have prevented Trevyan's death, it is evident that a consistent and more thorough application of the special education process to Trevyan may have assisted him in obtaining more relevant, immediate and comprehensive services.

### 3. ATTENDANCE POLICIES

Our investigation revealed three main areas for improvement relating to the policies for taking and maintaining attendance records within RCSD, namely, (A) overly permissive procedures allowing school staff to make changes and/or submit attendance hours, days, and sometimes months after the class in question; (B) inadequate and untimely parental notification of unexcused absences; and (C) an overall lack of oversight by school administrators to ensure the taking of timely and accurate attendance.

It is well-established that schools within this State must create and maintain accurate records of attendance. New York State Education Law § 3211(1) requires that “[t]he teacher of every minor required ... to attend upon instruction, or any other school district employee ... shall keep an accurate record of the attendance and absence of such minor.” The principal of a school, in turn, “shall cause the record of his attendance to be kept and procedures and all appropriate inquiries in relation thereto answered as hereinbefore required” Section 3211(4). In the context of middle school students like Trevyan, since July 1, 2003, the presence of each pupil in departmentalized schools at any grade level “shall be recorded after the taking of attendance in each period of scheduled instruction.” 8 N.Y.C.R.R. § 104.1(d)(7)(ii).

Accurate attendance taking is essential to ensuring the wellbeing of minors during the school day when they are not under the supervision of parents, legal guardians, or other caretakers. Indeed, SED’s administrative regulations specify that the purpose of pupil attendance recordkeeping is to: “(1) ensure the maintenance of an adequate record verifying the attendance of all children at instruction in accordance with Education Law section 3205; (2) establish a practical mechanism for every public and nonpublic elementary, middle and secondary school in the State of New York to account to the parents of all children enrolled in such schools for the whereabouts of such children throughout each school day; and (3) ensure sufficient pupil attendance at all scheduled periods of actual instruction or supervised student activities to permit such pupils to succeed at meeting the State learning standards.” 8 N.Y.C.R.R. § 104.1(a).

RCSD publishes its attendance policies in several documents, the majority of which (including, for example, the Rochester City School Board Policy Manual and a Superintendent’s Regulation dated December 10, 2015) are primarily focused on preventing student absenteeism, rather than effective means of taking attendance. The 2017-2018 Attendance Manual available on RCSD’s website purports to set out district-wide attendance policies, but as explained below, those policies contain problematic loopholes and inaccuracies, and even contradict other documents provided to District staff.

Preliminarily, the Attendance Manual notes that “student attendance must be recorded accurately and in a timely manner,” and sets forth the general rule that “[a]ll teachers are required to submit attendance in [the District’s electronic Student Management System (“SMS”)] within the first hour of the elementary school day or within the first 15 minutes of the class period in a secondary school.” See **Exhibit C**, RCSD Attendance Manual, at page 5. There is, though, an express exception to this general rule for physical education teachers, who must record attendance only “by the end of the school day.” See **Exhibit C**, RCSD Attendance Manual, at pages 3-4.



While perhaps understandable given the practical difficulties of immediately reporting attendance in physical education class, this exception is extremely problematic given the fact that physical education is, for a significant number of students at School #12 (including Trevyan), the first period of the day.

The Attendance Manual continues by providing a notification process aimed at reminding teachers when they have failed to submit timely attendance, but which our investigation revealed can be easily circumvented and is commonly ignored due to the lack of any meaningful oversight by school administrators. The policy itself provides:

- “3. Teachers and [p]rincipals will receive a certified email each day when attendance is not submitted when it is due. This is an automated reminder to submit attendance immediately.
- “4. The principal will designate clerical staff to send a list to all teachers whose names appear on the un-submitted attendance list to remind everyone to update and submit their attendance before the window is closed at midnight.
- “5. Teachers who do not submit attendance before midnight will be locked out of the system and they will not be able to go back and submit.

Teachers who do not submit attendance before midnight and as result (sic) are locked out of the system must immediately turn in a hard copy of their attendance directly to the supervising administrator or clerical in charge of attendance.

- “6. Continued failure to comply with the required attendance submissions could result in disciplinary action, as referred to in Section 37 and 38 of the RTA contract.”

See **Exhibit C**, RCSD Attendance Manual, at page 5. The District even attached to the Attendance Manual a form letter from the school principal to teachers who have failed to submit attendance by the midnight deadline on specified dates, which is entitled, “Teacher Unsubmitted Attendance Notification,” and reiterates that “[a]ttendance records are legal documents and must be kept up to date,” and “[f]ailure to submit attendance may result in disciplinary action being taken in accordance with the RTA contract Sections 37 and 38.” See **Exhibit C**, RCSD Attendance Manual, at page 30. Attendance data provided to the OAG and SED by RCSD reveals delays and changes being made to attendance records at School #12 for weeks and occasionally months after the date in question. Yet, not a single administrator interviewed reported having ever seen, let alone completed and distributed, the Teacher Unsubmitted Attendance Notification or any other form of follow-up and/or reprimand of teachers relating to chronic lateness and/or inaccurate attendance recordkeeping.

In fact, the administrators interviewed expressed an overall approach to attendance submission that can only be described as “hands off.” The staff members charged with monitoring submissions and attempting to enforce the attendance policies, meanwhile, who are largely clerical staff without any authority over teachers, were understandably overwhelmed by the task. Investigators received varying accounts regarding whether school-level administrators were even included on the daily emails listing the teachers who had not yet submitted their attendance. Such administrators did, however, have the ability to locate that information on the electronic system had they sought to do so, but it does not appear that they ever did. On the other hand, district-level administrators, including the School Chiefs who report directly to the Superintendent, were never routinely included on those daily emails, a practice which appears to have been changed at the School Chiefs’ request following Trevyan’s death.

Perhaps most concerning is the fact that no efforts appear to have been made to track attendance records over time in order to identify those teachers who are chronically late and/or inaccurate in their record-keeping. Investigators could not be provided with cumulative, historic lists of unsubmitted attendance, but rather were limited to reviewing electronic records showing only the most recent date that attendance had been modified for each day of the school year. Furthermore, those electronic records kept track of the student and class involved for each entry, but did not even contain the names of the teacher responsible for that data. Not only are the District’s practices and lax enforcement inconsistent with its stated policies, but they send a clear message to teachers that attendance policies are not a main priority, despite the fact that accurate and timely attendance is the only way to account for the whereabouts of the approximately 900 students who attend School #12 every day.

The District’s Attendance Manual also describes ConnectEd, which is the District’s sole mechanism for providing parental notification when a student is found to be absent from school without proper excuse. “The school will notify the parent/legal guardian of all unexcused absences each day through ConnectEd,” which sends out automated telephone calls (“robocalls”). See **Exhibit C**, RCSD Attendance Manual, at page 3. The Attendance Manual goes on to state that “ConnectEd calls should occur twice a day at the secondary level, once at 11:00 a.m. and once an hour after the close of school day for secondary schools.” See **Exhibit C**, RCSD Attendance Manual, at page 3. In practice, however, our investigation has revealed that robocalls go out only once at School #12, specifically, at 11:00 a.m., and those calls are triggered only by the attendance taken during first period. Despite the importance of accurate and timely attendance being taken at that time of day, it has been reported that teachers are not provided with additional instruction in this regard.

The District’s other written documents provide even less certainty with respect to its attendance policies. Anomalously, the 2017-2018 Staff Handbook distributed at School #12 provides as follows under the section entitled, “Taking attendance”:

“Check attendance of pupils immediately after opening exercises and enter into the **Power School System by 8:30 a.m. (But not sooner than 8:00)**. Please be timely and consistent daily. We do not have the clerical coverage to monitor your compliance. Automatic robo-calls are completed to all absent students at 10:00 a.m.

daily. Parents get very concerned when they receive a call when their child is in school (and attendance was not done). Please help lessen their anxiety. *Attendance can be submitted or updated up until midnight of the date.* After that, clerical staff must make changes. Special subject teachers must still enter attendance even if class does not meet. You will receive a written memo from administration if your un-submitted attendance is chronic.”

See **Exhibit D**, 2017-2018 Staff Handbook, page 5 (emphases in original). Not only does the Staff Handbook fail to account for teachers who must submit their attendance not by 8:30 a.m. but rather within 15 minutes of the start of each class, and contain an inaccuracy regarding the actual time that robocalls occur (11:00 a.m. rather than 10:00 a.m.), the Staff Handbook also goes on to note the lack of clerical coverage to monitor their compliance and assure teachers in italicized font that attendance can be submitted or updated until midnight of the day in question, and, even after that time, clerical staff may still make changes.

The interviews conducted in connection with this investigation have confirmed those realities. Frequent clerical turnover at School #12 has resulted in only intermittent monitoring of attendance submission, and permissive District-level policies have allowed frequently late submissions of and regular unexplained modifications to attendance records. Under the current electronic system, although teachers have access to enter and/or modify attendance only until midnight on the day at issue, clerical staff at School #12 continue to have access to those records and are specifically instructed to modify them at any teachers’ request. Making matters worse, those restrictions on teachers’ access were lifted during a large portion of the 2017-2018 school year (specifically, from October 2017 through March 2018), such that teachers were never locked out at midnight as intended, but rather they had the unlimited ability to enter and/or change attendance records, including on the day that Trevyan went missing. RCSD staff at both the school and district-level claimed to have been unaware of the fact that the teachers’ restricted access had been suspended for such a prolonged time, and were unable to explain their failure to detect the problem until after Trevyan’s disappearance.

These inadequacies involving the District’s attendance policies have varying applicability when it comes to analyzing the events that transpired on March 8, 2018, but it is clear that proper attendance taking procedures were not employed on that day. As explained above, after disembarking from the school bus that morning, Trevyan never entered School #12. Because school and transportation staff did not notice Trevyan’s elopement when it occurred, the next, and crucial, opportunity to note his absence was when attendance was taken in his first period class. Unfortunately, though, as noted above, his first period class was physical education, meaning that the teacher was not even required to submit attendance until the end of the school day. Despite this lax policy, his teacher did actually submit attendance at 7:52 a.m. that morning, but Trevyan was erroneously marked “present.” Therefore, when robocalls went out at 11:00 a.m. that day, none went out to the phone number on file for Trevyan.

Although Trevyan’s unexcused absence was recorded during his next class at 9:02 a.m., our investigation revealed that the robocall system is not triggered by unexcused absences later in the day, which raises significant concerns not just in instances where, as here, first period attendance

is found to be in error, but also when a student elopes from school midday. It is also alarming to note that Trevyan was erroneously marked “present” by two other teachers on March 8, 2018, specifically, at 12:34 p.m. and 1:51 p.m. In fact, a review of his attendance records on other dates, including various days in the fall of 2017, reveal other days that he was marked “present” for first period but absent for the rest of the day. These other occurrences cast even more doubt on the accuracy of his attendance records. In light of these facts, additional enforcement of the attendance policies by administrators, and more extensive training of teachers (particularly teachers of first period classes) about the importance of accurate records and effective ways of taking attendance, are steps that should be taken to begin to ensure the safety of students who are under RCSD’s supervision.

#### **4. SCHOOL SAFETY AND TRANSPORTATION CONSIDERATIONS**

Our investigation revealed four main concerns relating to overall school safety, including (A) insufficient arrival and dismissal procedures; (B) chronic staff turnover and substitutes within the District combined with inadequate student documentation and record retention; (C) the nonexistence of a centralized policy for creation and maintenance of safety or emergency plans for students such as Trevyan; (D) unfamiliarity with the building level school safety plan and its procedures; and (E) a chaotic school environment.

The arrival and dismissal procedures in place at School #12 prior to Trevyan's disappearance were inadequate to account for the whereabouts of the approximately 900 students milling about at the beginning and end of the school day. The arrival and dismissal procedures in place as of March 8, 2018, originated from an historic plan, which may have previously met the needs of School #12 before its expansion but had become woefully outdated. School #12 was originally an elementary school, but building renovations were recently completed, and it now contains kindergarten through eighth grades. Once the staff and students returned to the building, there was a so-called "grow-out," meaning that the 2016-2017 school year was the first year that seventh graders were present at School #12, and the 2017-2018 school year was the first year with eighth graders. Despite the addition of two new grades at School #12, however, the arrival and dismissal procedures remained the same, and there continued to be only one school safety officer ("SSO") regularly present.

The historic arrival and dismissal plan consisted of staff assignments, whereby select staff members were assigned to "posts" located inside and outside the school. The plan lacked crucial details, however, such as where staff should stand within the general posted area, which direction they should face once there, and what exactly they should be monitoring, let alone what do in an emergency such as an elopement. The only posted staff members who had any hope of seeing Trevyan when he got off the school bus and left school property were those who were supposed to be located outside in the front of the building. There were five such outdoor posts under the plan, to which eight staff members were assigned. Even those staff members, however, rarely stood outside far enough to have seen where Trevyan disembarked onto the sidewalk. Rather, in the absence of specific instructions from the plan itself, many of those staff regularly stood at or near the building entrances, or even just inside the doors, especially on cold days. As explained to investigators, though, their view of the buses and students from those locations was obstructed by the walls of the school and the library that adjoins it, as well as a transportation van that was regularly on site near the library parking lot.

The arrival and dismissal plan was also insufficient in that it is silent on the issue of staff absences. There is no list of pre-planned substitutes for filling the assigned posts. In fact, it was explained to investigators that, in practice, the administrator in charge of the plan may not even become aware of an absence with sufficient time to assign a different staff member before the buses arrive and students start disembarking. It is also surprising that little, if any, effort is made to track which students arrive at the school and disembark from the buses. None of the assigned posts are required to take attendance such as doing a headcount, nor are they given any specific instructions to ensure that every student who exits the buses actually makes it into the school building.



The chaos of having so many students arrive at the small bus loop simultaneously is further exacerbated by a rule requiring students to use certain of the front entrances based on their specific grade levels. Although this rule may have been developed in an attempt to reduce younger students' exposure to older students, this goal is practically impossible given the fact that they arrive on the same buses as the older students. Not to mention, what this rule actually accomplishes is that students remain outside where it is more difficult to account for their whereabouts for a longer period of time, as opposed to a system of having students use the entrance closest to the place where their bus sits in the bus loop.

Over time, arrivals and dismissals at School #12 have been further complicated by a reported bending of rules for parent drop-offs. Parents are reportedly supposed to drop off students in a designated area on the south side of the building, away from where the buses pull up in the front of the building facing east. Not all parents abide by these rules, though, and, per certain staff members, some have even been given permission to pull into the library parking lot to the north. The result is that the staff member at the post nearest to the library parking lot must focus his or her attention on ensuring that students walking to school can safely cross that parking lot entrance, instead of monitoring students departing from the buses.

These inadequacies had varying impacts on March 8, 2018. On that particular morning, two of the staff members with arrival and dismissal posts were absent. Both of the absent staff members were assigned to the same outdoor post in the front of the school. One of those teachers had reportedly asked a coworker to fill in as a substitute, but that substitute had no training, and, on the morning in question, merely propped the door open with a music stand and stood inside the building. Arrival procedures were even more complicated that morning when a parent reportedly got into the building in violation of school policy. This prompted the administrator in charge of arrivals and dismissals to go back inside the school rather than staying outside where she could observe the arriving students. Consistent with these accounts, surveillance footage showing Trevyan's departure from school that morning depict only a few staff members standing outside the building, and none are looking in the direction that Trevyan walked as he eloped from school grounds. See photographs attached as **Exhibit E**.

Just as it impacted the provision of special education and mental health services at School #12, frequent staff turnover also played a role in the lack of school safety procedures. Many of the staff changes were summarized above, but it bears repeating that they took place at the clerical through administrative levels. For instance, the former head secretary did not return to School #12 when it re-opened following the renovations, which resulted in a loss of institutional knowledge of forms and policies. As another example, on March 8, 2018, Trevyan had a substitute bus driver, who was not familiar with any of the students' particular needs, including any prior incidents involving Trevyan. Although not employed by the District itself, but rather by a transportation company that the District contracts with, the bus driver was just another of a series of substitute staff members, which again highlights the importance of proper planning, documentation and training.

At the administrative level, meanwhile, a per diem principal was assigned at the school beginning in mid-January 2018, and she was still in place as of March 8, 2018. The per diem principal had a background in education, but had never worked for RCSD before. Other than being given a binder containing District policies (none of which pertained to student wandering or elopements), the per diem principal was not given any training prior to starting at School #12. On March 8, 2018, in fact, she was out of the office at a principal's meeting. Thus, there was an entirely different substitute principal filling in on that particular date. Further, because the substitute principal had already left the school at approximately 2:35 p.m. that afternoon, there was no one filling the role of principal in the building when Trevyan's family members arrived there looking for him at approximately 3:26 p.m. Overall, while some staff changes are certainly expected, the high level of exhaustion and frustration expressed by some staff members who have left School #12 in recent years suggests that the District could do more to improve morale and encourage retention.

Many staff interviewed also noted the chaotic school climate, particularly evident in the 7<sup>th</sup> and 8<sup>th</sup> grade wing of School #12. School climate is how students, parents and teachers experience a school. A positive school climate is fostered by attention to and promoting a supportive academic, disciplinary, and physical environment. Students learn best when they are in an environment in which they feel safe, supported and valued. When a school setting is chaotic, administrative and teaching staff spend their time focused on attempting to maintain order and are unable to focus on individual student support. Testimony documented frequent use of restraints by school security staff; use of 911 calls to intervene with students when staff could not deescalate situations; inappropriate use of school security to oversee students during teacher transitions; and children going missing, in addition to Trevyan's documented elopements, with no safety planning in response. It is not surprising that Trevyan may have slipped through the cracks in such a chaotic environment.

One of the initiatives that SED has implemented over the past two school years is called, "Promoting and Measuring Healthy and Supportive School Climates". Research has found that the quality of the school climate is one of the most predictive factors in any school's capacity to promote student achievement. In this initiative, SED chose six school districts in the 2016-17 school year and thirty in the 2017-18 school year to pilot this initiative. RCSD participated in both the 2016-17 and 2017-18 school years. One of the components of this initiative is to administer school climate surveys to students, parents and school personnel and to convene a Community Engagement Team to review the results of the survey as well as any other pertinent data. In light of RCSD's participation, it is recommended that RCSD immediately 1) convene the Community Engagement Team to review the survey results and other data as well as the findings in this report, 2) produce an action plan that addresses any areas that need improvement, and 3) implement any strategies identified in the action plan to help improve the school climate and student outcomes.

Next, as also noted in the special education and mental health services sections above, there does not appear to have been any written safety plan created for Trevyan, despite the familiarity that most of the staff interviewed had with such plans. Although many staff members explained to investigators the concept of creating a written safety plan in response to troubling behaviors like elopements or suicide attempts, none recalled having received specific training on how to create one. Nor were those staff members able to explain the failure to create one in Trevyan's case, particularly as his behaviors escalated in the fall of the 2017-2018 school year.

It should also be noted that administrative staff employed by the District at large were unaware of any specific protocol for missing students. One of the most obvious places where one would expect such protocol to appear is in the district-wide school safety plan and building-level emergency response plan. Pursuant to Education Law § 2801-a and 8 NYCRR § 155.17, all school districts in New York State are required to create, review, and update as needed, “a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention and emergency response and management.” Indeed, the SED Field Advisories, *see Exhibit B*, specifically instruct school officials to incorporate their procedures regarding student wandering and elopements into each school’s building safety plan. Although School #12’s building level safety plan was updated prior to commencement of the 2017-2018 school year, it did not contain any specific provisions about wandering or elopement. Nor was there any indication that the building level school safety plan was sought or reviewed to ascertain how to deal with the issue of a missing student, elopement or an implied or direct threat of suicide which such plan is required to address.

Finally, this investigation revealed other issues that, due to the timing of events likely did not contribute to Trevyan’s tragic death, but are worth mentioning in that they fell far below the standard of best practices for emergency response. First, although Trevyan’s family arrived at the school at approximately 3:26 p.m. to report that he had not come home, the police were not contacted until approximately 5:15 p.m., and it took even longer to determine whether Trevyan had ever gotten on the school bus that morning. Second, the District has its own Safety and Security Department, but those staff members were not deployed until the morning of March 9, 2018.

This delay in providing additional support in the search efforts appears to have been due to several factors. For one, the School Chief in charge of School #12, along with numerous others including the Chief Operating Officer of RCSD, were in a Board of Education meeting when Trevyan’s disappearance was reported to school staff in the early evening on March 8, 2018. Furthermore, the urgency of Trevyan’s disappearance does not appear to have been adequately communicated to District officials including the Superintendent. The Director of Safety and Security had been out of the office that day for medical reasons, and although there were others within the department who could have covered for her, her planned absence does not appear to have been communicated to school administrators. Hence, School #12 officials reached out to the Director as usual that evening and the Director eventually sent out an email blast to District officials at approximately 8:20 p.m., but, when interviewed, the Director was unable to recall any details from that night since she was still somewhat incapacitated by her medical condition. Particularly because Trevyan’s situation was merely mentioned in that email blast as the last of three noteworthy events that had taken place across the entire District that day, the higher-level officials interviewed reported that they were not fully aware of the urgency of the situation until Trevyan’s disappearance was reported on the morning news on March 9, 2018.

While additional search parties on the night of March 8, 2018 may not have ultimately made a difference in Trevyan’s case based on the suspected timing of events, RCSD and other districts like it should certainly make efforts to ensure that they are better prepared to provide a quick and effective response to emergencies such as student elopements going forward.



## **Conclusions and Recommendations**

Clearly, as noted above, Trevyan Rowe's untimely death does not appear to have been the result of any single event or factor in his life. Nevertheless, in an effort to do whatever is possible to help prevent such tragedies from recurring, SED and OAG make the following recommendations to RCSD and all New York State school districts.

### **Mental Health and Special Education**

- To avoid gaps in the provision of special education services, schools should timely obtain transfer records and meaningfully review those records.
- Districts should work closely with their mental health staff members to ensure that an initial focus on obtaining outside mental health services for a student does not continue in perpetuity, particularly once it becomes clear that outside mental health services are unavailing and the troubling behavior is taking place during the school day or otherwise affecting that student's academics.
- RCSD's existing resources (which include the resources available in RCSD's Office of Student Support Services and Social Emotional Learning), should be better integrated, aligned and utilized to ensure that mental health and other appropriate services are prioritized in situations where, as here, a student (whether or not the student is a student with a disability) exhibits signs and symptoms that suggest depression, suicidal ideation and other mental health issues.
- RCSD should make every effort to expand its outreach to external agencies, such as the Mental Health Association of Rochester/Monroe County, the Monroe County Department of Social Services, and the Monroe County Office of Mental Health, to develop partnerships that can assist in providing additional supports and services, as appropriate.
- The District should have documented policies and procedures, in accordance with applicable laws and regulations, for appropriate staff to include relevant information in a student's record. Patterns of behavior, such as those exhibited by Trevyan, should be so documented in order to ensure that appropriate staff members who may be unfamiliar with that student are aware of their roles and responsibilities, which may include providing the necessary and appropriate services should such behaviors be exhibited in the future.
- FBAs and BIPs are not limited to students with disabilities generally, or specifically to students with the disability of emotional disturbance.
  - In the case of a student with a disability, a referral should be made to the CSE when school district staff see repeated instances of behaviors such as those exhibited by Trevyan. Staff members who participate in CSE meetings or otherwise work with students with disabilities should be educated to better understand the possible need to make a referral for an FBA, and the development, application and proper implementation of BIPs to manage a broader scope of behaviors like wanderings and

suicidal ideations, rather than only those behaviors more typically resulting in disciplinary action.

- For students without disabilities who exhibit such behaviors, school district policies should address how an FBA can be obtained, such as through a referral to an instructional support team or office for student support services, for example.
- Given that Education Law §2801-a requires that district-wide safety plans include policies and procedures for responding to threats of suicide and notifying parents thereof, school personnel must be trained to respond appropriately in accordance with district policies.
- Individual crisis situations, including the mobilization of Mobile Crisis Units or other emergency response teams, should be properly documented by school staff in a centralized location, with particular attention paid to the facts surrounding the crisis and any staff members involved. Furthermore, there must be proper supervision of the student at all times when an incident occurs, such as those exhibited by Trevyan, that results in activating the Mobile Crisis Team. In addition, school administrators must ensure that subsequent actions are taken to follow up on these types of situations, including additional attempts to contact or engage the family. Parent and family engagement is critical to effectively addressing the needs of students with special needs, such as those exhibited by Trevyan.
- Careful attention must be paid to the accuracy of each student's disability classification. Relatedly, staff members who participate in CSE meetings must be made and kept aware of the definitions of all thirteen disability classifications, including but not limited to an understanding that emotional disturbance can include "[a] general pervasive mood of unhappiness or depression."
- The investigation revealed a common practice in RCSD whereby CSE meetings are held only at the student's next regularly-scheduled review or reevaluation, regardless of a change in behavior or academic progress during the school year. Districts must ensure that where a student needs a CSE meeting in the interim, due to a change in behavior or academic progress, clear procedures exist for doing so.
- Districts should make greater efforts to carry out the recommendations contained in SED's field advisories, *see Exhibit B*, to ensure that students who wander or elope from school are identified, monitored, and kept safe. Plans for such students should be written down and distributed to staff members who take over future supervision of those students.
- Districts should more carefully consider the complete restructuring of their special education departments, particularly when, as here, that restructuring entails the elimination of 22 staff members who were responsible for the management of

building-level CSE meetings. If such restructuring does proceed, Districts would be well-served to provide extensive training for those staff members who are expected to assume those duties and to set clear expectations for who bears which responsibilities going forward.

### **Attendance Policies and Practices**

- Districts should have systems in place that meaningfully provide for timely and accurate parental notification of unexcused absences. Such systems should not rely entirely upon first period attendance, but rather unexcused absences occurring later in the day, as well. Insofar as parental notification hinges on attendance taken at certain times of the day, Districts should make those teachers aware of that policy and provide additional training to them to address any challenges.
- Teachers should be fully educated on attendance record-keeping practices, monitored by those in supervisory roles, and held accountable to the extent that they are routinely late and/or inaccurate in submitting those records if no reasonable explanation for such delay and/or inaccuracies exist. Clerical staff without supervisory authority cannot reasonably be expected to enforce attendance record-keeping practices without active involvement from administrative staff, both at the school and district levels.
- The best practice is making no exceptions regarding attendance record-keeping practices. Where Districts conclude that exceptions for certain teachers or classes are unavoidable, however, they should develop alternative methods to account for the whereabouts of the students until such time as accurate attendance records are submitted.

### **School Safety and Transportation**

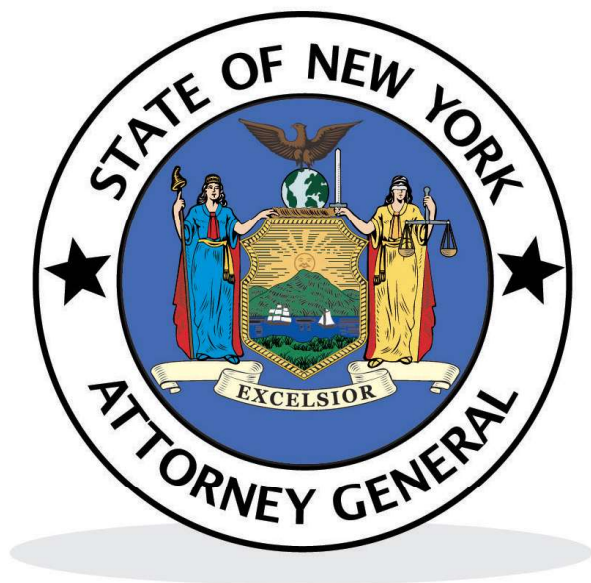
- Districts should require school staff to develop detailed arrival and dismissal plans that entail the posting of staff members, including both teachers and administrators, in locations that allow for observation of the entire perimeter of school grounds where students arrive and depart from school.
- Clear directions should be provided to those posted staff members about exactly where to stand and which direction to look in order to have the best vantage point for keeping track of students' whereabouts. School districts should establish protocols to be used to train staff on what to do in emergency situations, including elopements such those exhibited by Trevyan.
- Arrival and dismissal plans should further include contingency plans accounting for teacher absences and the calling away of supervising administrators.
- Districts should regularly speak with school staff regarding universal enforcement of arrival and dismissal procedures, including rules pertaining to the location and timing

of parent drop-offs. Exceptions should not be made without justification, and, where made, should be accounted for with the provision of additional posted staff.

- Districts should take care in the hiring and training of school staff and administrators in the hopes of reducing frequent staff turnover. To the extent that some staff turnover is inevitable, the importance of proper documentation of crisis situations and development of written safety plans for the students who need them cannot be overstated.
- Emergency protocols should be developed for the handling of missing students including when and how to seek assistance during an emergency, such as when Trevyan was discovered to be missing (8 NYCRR §155.17[c][1][v]), and all district staff, including school safety officers, teachers, and administrators should be fully trained on those protocols.
- District-wide school safety plans, which as noted above must include policies and procedures for responding to threats of suicide and notifying parents thereof, should be distributed to all school staff and a hard copy should be printed and maintained in the main office for ease of access (see 8 NYCRR §155.17[c][1][i], [x], [xix]). Districts must also develop building-level emergency response plans, which are confidential and can only be disclosed to authorized school staff and law enforcement officers; such plans should be maintained in a secure place where only authorized school staff can access them in order to protect confidentiality (8 NYCRR §155.17[c][2]). In accordance with 8 NYCRR §155.17(c)(1)(xiii), all school staff members must receive annual training on the building level emergency response plan, which must include components on mental health and violence prevention.
- District-wide school safety plans should be monitored and modified where appropriate to account for staff turnover.

While school districts cannot possibly prevent all emergencies and potential student injuries from occurring, their implementation of the aforementioned recommendations will hopefully reduce the likelihood of events such as the tragic death of Trevyan Rowe. School districts and those who are employed by them are in the unique position of having custodial supervision over massive numbers of children every day across New York State, and that position comes with much responsibility. It is only by recognizing the gravity of that responsibility, and by relentlessly seeking to improve upon the safety measures put into place on a day-to-day basis at each individual school, that school districts can best seek to avoid another tragedy.





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